

A FULL
ACCOUNT
OF THE
ACTIONS

Of the late Famous

PYRATE,

Capt. KIDD. (W.)

With the Proceedings against Him, and a Vindication
of the Right Honourable *Richard* Earl of *Bellmont*,
Lord *Colony*, late Governor of *New-England*, and
other Honourable Persons, from the Unjust Reflec-
tions cast upon them.

By a Person of Quality.

DUBLIN:

Re-printed for *Matthew Gurn*, Bookseller in *Essex-Street*, 1701.

A FULL
ACCOUNT
OF THE
ACTIONS

Of the late Famous

PYRATES

Capt. D.D.



With the Proceedings against Him, and a Vindication
of the Right Honourable Richard Earl of Bellomont
Lord Conway, late Governor of New-England,
other Honourable Persons, from the Unjust Reflections
cast upon them.

By a Person of Quality.

1701.

Printed for Andrew Gane Bookseller in Essex-Street 1701.

THE PUBLISHER TO THE READER.

THE following Letters were written at several times, the first in *December, 1699.* the second in *April, 1701.* In reading them regard ought to be had to the Dates, especially that of the former Letter; otherwise some Passages may not be clearly apprehended. Had the Writer's leave to shew these Letters to his Friends and mine, indeed they wrote for that purpose; but the Printing is without his knowledge; and I fear he will be displeas'd when he hears of it. Had I found him in *England* at my coming, I should have labour'd to prevail with him to have form'd his Letters into a continued Relation, and to have carried it on farther; because several remarkable things about *Kidd* have happened since his second Letter; but he is absent and I know few Persons fit to alter his Papers, and therefore the Letters are Publish'd as they were sent. I am sensible I ought to beg forgiveness of my living Friend, for presuming so far out of Zeal for the Honour of my Dead Friend and Kinsman.

Till I heard of my Lord's Death, which happened the 5th of *March, 1700.* and was heard of in *England*, about the latter end of *April, 1701.* (but did not reach me till above a Month after) I never thought it necessary to Publish any thing on this Subject. I observ'd the Persons, who were talk'd of in this Affair, almost as much as the *E. of Bellomont*, were silent; and tho' I did not comprehend their Reasons, I acquiesc'd in their Prudence. Besides I expected daily to hear of the *Earl of Bellomont's* being recall'd, His avow'd Enemies having the Power in their hands. I knew he had a manly way of Writing, and believ'd he would be a very good Apologist for himself, and possibly might know of some Facts fit to be mention'd, which (as well instructed as the worthy Author of these Letters appears to be) might be unknown to any but himself. But as soon as I heard of the *E. of Bellomont's* Death, and that this matter, after all that had pass'd, was made an Article of Impeachment against two Noble Lords; so that still *Kidd's* name was to make a talk in the World, I thought it absolutely due to the Memory of the truly Virtuous and Noble Earl, to Publish this Faithful, and I believe perfect Account, of his part in the whole Matter.

I am altogether unqualified for Writing, and had not ventured at these few Lines, but that some Account seem'd necessary to be given, why these Papers came out at all, and at this time. But since I have broke the Ice, I will presume a little farther, and tell the Reader my Thoughts on the Passage which I mentioned a little before.

If Men may be accus'd Criminally in a *H—* of *C—* and the Fact examin'd into, and a Judgment pass'd upon it in Favour of the Parties, and after this, another *H—* of *C—* (upon a Notion that they are not bound by what others did before) may take up the

the same Matter again, and come to a New Judgment; and so on, till at last it changes that by good Management a Vote may pass the other way, (for if it may be twice, it may be tentimes:) To go yet farther, if the same *H—* of *C—* after Having solemnly Determin'd a thing not to be illegal, can in the same Session of Parliament, without any New Evidence, make it an Article of Impeachment as a thing against Law; I say, if this sort of Proceeding be according to the *English* Constitution I shall be more reserv'd in extolling our Constitution for the time to Come.

I have one more Observation to make. The Address of *Kidd's* Tryal was the 30th of *March*. Generally speaking the desires which come from that place, are the only Effectual Commands; And yet *Kidd* remain'd untryed till the 8th or 9th of *May*. What the Reason of this great delay was, is hard to determine, but the care of bringing it on, rested upon a Gentleman, who, as my Friend takes Notice, was extremely alter'd from what he had been, since a Great Political Office was added to His Judicial Place.

It is affirm'd by some, (who it is said will not be backward in making it out upon a good Occasion) that both before, and after his Tryal, no endeavours were wanting to make *Kidd* understand the only way whereby he might deserve his Pardon. Dr. *G—* knows who the Person was, who was with *Kidd* more than once, some few Days before his Execution, and dealt so freely with him to advise him to Charge two Lords by name with somewhat that was Material, which he said was the only way could save his Life. And the more to provoke the poor Wretch to follow his advice, swore to him that those Lords, and their Friends were restless in soliciting to have him Hang'd; and therefore it was reasonable enough for him to do their business.

God disappointed all these cursed Designs. Perhaps the unhappy Creature knew himself Uncapable to make a probable Story, or to carry on one, tho' made to his hands, and that deserv'd him from hearkening to these Counsels of Devils. I rather hope that, as wicked as he had been, he was not arrived to such a degree as to attempt to take away Men's Lives and Honour by deliberate Perjuries. I must not omit to set down one matter of Fact for the Honour of the Earl of *Bellomont*. He died at his Government of *New-York*. As soon as the Unhappy News came to *Boston* in *New-England*, where the General Assembly was then Sitting, a Proclamation was publish'd by the Deputy-Governour and Council, upon the Unanimous Address of the Assembly, for Appointing a General Fast to be Observ'd throughout the Province, to bewail the Loss of such a Governour, as a Publick Calamity: So much was his Vertue known and Esteem'd abroad, while he was so unreasonably Persecuted in his Native Country.

(1)

London, 21 December, 1699.

YOU have press'd me very often, and with much earnestness, to give you a Relation of the Business of Captain Kidd, which you say has for a great while, been the principal Subject of discourse in the Kingdom where you are, and where our Friend the Earl of *Bellomont* has the Honour to be a Peer; and you have repeated it often, that the Common respect we have for him exacts it from me. It is always with Reluctance when I decline any of your Commands, but I thought my self never more in the right than to refuse you in this instance. I look'd on my self as altogether unqualified to Answer what you desired, since it has not been my good fortune to have pursued the Study of the Law as my Profession; and therefore likely to give but a mean Account of a dispute consisting much of questions in law.

But your last Letter gave me so satisfactory a reason for your pitching on me for this Task, that I presently determin'd to Obey you as well as I could. You tell me my known Friendship for the Earl of *Bellomont*, and my long and intimate familiarity with him, made you conclude he would engage in nothing of Consequence, to which he would let me be a Stranger, and therefore you could think of no person from whom you could so reasonably hope for a sincere account of the matter of Fact. That this was what you and your Friends principally aimed at, being more desirous to form a Judgment for your selves, than curious to hear the different constructions which Malice or Friendship to the persons concerned, might put upon that Affair.

Your meaning being thus explain'd, I found my self better fitted for what you would impose upon me, than I did at first Imagine. You are in the right, I was privy to all the Steps taken by the Earl of *Bellomont*, from his first hearing the Name of *Kidd*, till he left *England*: and in saying so, I do in effect affirm, that I was acquainted with every thing that pass'd in that affair. For I know that as he was the first person who harkened to that proposal, and the first who mention'd it to the King, so it was his interest, and (if I may say so) his Importunity that drew in all the rest that became concern'd, and that the Conduct of the whole affair was entirely trusted to him, except the single part of buying and fitting out the Ship, wherein Sir *Edmund Harrison* was Joyn'd with him. I may add that I have carefully attended when-ever this matter was spoken of, and I am perfectly instructed in the Papers, which were laid before the House of Commons, so that I am perhaps as capable as any body of sending you a Narrative of the Fact. And if you will accept of the Story plainly told, I will be responsible it shall be nicely true. And that I may satisfy you as far as I can. When I have gone through the Fact, I will also Endeavour to Explain to you (from the best observations I could make) how it was possible that such a matter could raise so much Heat and Noise, which is what you say you are impatient to know; and afterwards, as well as I can, I will

B

give

give you a Relation of the Arguments on both sides, and of the Opinion of the Committee of the whole House, which put an end to the matter.

It is well known that for several Years two very pernicious things have been growing in our *American* Colonies; an unlawful Trade, in fraud of the acts of Navigation and the Plantations, infinitely prejudicial to *England*, and the cursed practice of Piracy, utterly destructive of all Commerce. Many were insensibly drawn into these ill Courses by Observing what Excessive Wealth the Offenders gain'd in a short time, and with what Impunity they Offended. For some Governors, having found a way to share in the profit, were obliged not only to Connive at, but protect the Criminals. During the late War these Evils encreased exceedingly, either because Mens thoughts being engaged nearer home, there was not leisure, nor a possibility to look strictly after what was doing in those Remote parts, or for some other reason. Tho it must be own'd that officers were Employ'd by the Commissioners of the Customs to inquire into the irregular Trade, and Orders were frequently repeated to the Governors of Plantations, and to the Squadrons and Men of War which were sent to the *West-Indies*, to use their best diligence to Suppress Pirates. But it was easy for them to avoid Squadrons, and not difficult to keep out of the way of the Men of War, who were sent for particular purposes, and were appointed to certain Stations which they could not leave, and consequently could not pursue Rovers to any purpose; who thereby growing bold, did not only Commit Spoils on the Coasts of *America*, but went beyond the *Cape of Good hope*, and Robb'd in the *East-Indies*, and at the Entrance into the Red Sea.

In the Beginning of the Year 1695, his Majesty thought fit to Name the Earl of *Bellomont* to be Governor of *New-York*, a place remarkably infected with those two dangerous Diseases. The Earl as often told me, that what the King said to him, when he first let him know his pleasure, was that which chiefly induced him to accept of the Employment. His Majesty did him the Honour to say he thought him a Man of Resolution and Integrity, and with those Qualifications more likely than any other he could then think of to put a Stop to that illegal Trade, and to the Growth of Piracy; for which reason he made choice of him for that Government, and for the same reason intended to put the Government of *New-England* into his hands.

As soon as it was known that the Earl of *Bellomont* was design'd for Governor, all Persons who had Concerns in *New-York* made their Applications to him. Amongst others Col. *Robert Levingston*, a Man of a considerable Estate and a fair Reputation, who had several Employments in that Province, had frequent access to him, as well upon the account of the publick affairs there, as of several matters which he had then depending before the Council and at the Treasury. The Earl taking occasion to mention to this Gentleman the Scandal which lay upon *New-York* in respect to the Encouragement and Retreat which Pirates found there: Col. *Levingston* confess'd there was too much ground for the Complaint, and that if some Speedy and effectual Course were not taken to Suppress those Enormities, so many persons would be drawn into the guilt, that it would become exceeding difficult to master them.

When he came again to wait on the Earl, he took notice of the Zeal the Earl had express'd at their last Conversation for putting a Stop to that Piratical Trade,

since

since which time he said, he had spoke with one Captain *William Kidd*, lately come from *New-York* in a Sloop of his own upon the account of Trade, who told him that he knew most of the principal Men who had been abroad Roving, and divers who were lately gone out; and likewise had some knowledge of the Places, where they usually made their Rendezvous, and that he would undertake to Seize most of them, in case he might be Employed in one of the King's Ships, a good Sailer of about 30 Guns, and might have 150 Men. He said that tho the *Pirates* were many in number, yet they had at that time no Ships of considerable force. *Levingston* affirm'd that *Kidd* was a bold and honest Man, and he believed fitter than any other to be Employ'd on that occasion.

The King was made acquainted with the Proposal by the E. of *Bellomont*, which he was pleas'd to think very necessary to be immediately Considered, because about that time, divers Informations upon Oath had been sent to the Secretary of State, of several Vessels gone and a going from *Bermudas*, *New-York*, *Rhode-Island*, &c. upon *Piratical Designs*, under the Command of *Thomas Too*, *William Maze*, *John Ireland*, *Thomas Wake* and others, who were all of them known *Pirates*, and had made several *Piratical Voyages*, from which they had return'd with great Wealth. His Majesty was pleas'd to consult the Admiralty on this occasion, but the War Employing all the King's Ships, which were in a Condition for Service, and the Great want of Seamen, (notwithstanding the Press and all other Means us'd,) together with the Remoteness of the Voyage, and the Uncertainty of meeting with the *Pirates*, or taking them tho They might be found out, occasion'd, after some Deliberation, the laying aside of this Project, as impracticable at that time.

Coll. Levingston finding no hopes of any thing to be done this Way, did propose to the Earl, that if Persons of Consideration might be Induced to Join in the Expence of Buying and fitting Out a proper Ship, he had such an Opinion of *Kidd's* Capacity and good Meaning, and so great a desire that some stop might be put to these *Piracies*, that he would be one of the Undertakers: And that He and *Kidd* would be at a fifth part of the Charge. *Levingston* affirm'd to the E. That *Kidd* was a settled Inhabitant at *New-York*, Lived regularly, had a Competent Estate of his own, and had Married at *New-York* a Wife with a considerable Fortune, by whom he had a Child. Adding withal, that *Kidd's* good Behaviour might be depended upon with assurance, because if he did otherwise than as his Duty would oblige him, he had no Place to go to, for he had acted such things against the *French* since the War, that he durst never trust himself to them. And as a further Evidence, how much he Confided in *Kidd's* Integrity, *Levingston* offer'd to become bound with him to the E. for his faithful Execution of his Commission and safe bringing back of the Vessel.

The Earl thought himself oblig'd in Duty to make this Second Overture known to his Majesty, who was pleas'd to approve highly of the Design, because in the present Circumstances, nothing of that nature was to be effected any other way. He did also declare, as an Encouragement to such an Undertaking, that the Persons whom the Earl should Engage to be at the Expence of the Voyage, should have a Grant of what *Kidd* should take from the *Pirates*, as far as it might belong to him, except some certain part which he would reserve to himself, chiefly to shew that he was a Partner in the Undertaking.

The Earl being thus Encouraged did heartily labour to engage his Friends, but found it very difficult to persuaade Men to venture their Money on so great Uncertainties, which (whatever Constructions some have since labour'd to put on that Undertaking) the E. has often complain'd of to me as what he thought was an Evidence of Want of publick Spirits in the Nation. I dare say, if he had not thought the Design every way Honourable, he would never have entred on it himself, or have ventured to propose it to such Men as my Lord Chancellor, the D. of Shrewsbury, the E. of Rumney, or my Lord Orford, since to my personal knowledge, as to two of those Lords, he had the highest Opinion of their Worth and Virtue, that a Man could conceive. And the World must believe, that if Men of their Character had entertained the least doubt of the lawfulness or commendableness of the design, no Solicitation of the Earl of Bellomont could have drawn them to Joyn in it. But so it is, the Earl did prevail with these Lords (after they knew the King did not only allow but recommend the Undertaking) together with Sir Edmund Harrison and some friends of his, to be at the Expence of near 6000*l.* in buying and fitting out the *Adventure-Galley*, in the manner proposed by Lewingston and Kidd, they two paying a fifth part of the Charges, according to the first Overture. The Management of the whole affair was so entirely trusted to the Earl of Bellomont by the Lords concern'd, that the Earl has often told me they did not so much as know of the Articles which were between Kidd and him. Those Articles the Earl did once read to me, I cannot remember the Effect of them in particular, only I dare say they contain'd nothing but what was fair and warrantable.

Kidd had a Commission from the Admiralty dated the 10th of December 1695, as a Private Man of War, but that Impowered him only to act against the French. He had another Commission under the Great Seal, dated the 26 of January 1695, to the Effect following. *That whereas Informations had been given to the King, that the four Persons above named and other of his Majesty's Subjects, had associated themselves with many wicked persons, and committed Great Piracies in the parts of America and elsewhere, in violation of the Law of Nations, to the discouragement of Trade, and to the dishonour of his Royal Authority, in case any of his Subjects guilty of such detestable Enormities should go Unpunish'd: His Majesty did there give Power to Captain Kidd, Commander of the Adventure-Galley, and to the Commander of that Ship for the time being, to Apprehend and Seize the Persons above named, and all other Pyrates whom he should meet with on the Coasts of America, or other Seas, with their Ships and Goods; and in Case of Resistance to Fight with and compel them to yield, and to bring them to a legal Trial, in order to suffer the Punishment of the Law. The Commission also required him to keep an exact Journal of his proceedings, and a perfect Inventory of all Ships, Arms, Ammunition and Lading o the Ships, which he should take with the Pirates.*

These were all the Powers which Kidd had, and being thus Impowered, and being himself so far interested in the Undertaking, and having given such security as aforesaid, there seem'd to be a very good Caution for his fair proceeding. But that nothing might be wanting which the Nature of the thing would admit, notwithstanding the great difficulty of finding Seamen at that time, Sir Edmund Harrison took such care of the Crew, That every Officer in the Ship, and almost all the Seamen had Settled Families in England.

True it is, this last Care was in a great degree rendered ineffectual, for most of his Crew were Press'd into the King's Service before he got out of the River.

The Ship set Sail from *London* in the Month of *Feb.* 1695, but did not get from *Plimouth*, till about *April* following. Sometime after his Majesty was pleas'd, in pursuance of his Gracious Promise, to order a Warrant to be prepared for passing a Grant for the Benefit of the Owners of the *Adventure-Galley*, and at the same time to declare that he would have a clear tenth part of what should be gotten, reserved for himself. The Lords of the Treasury being of Opinion that it would not be so proper to have that tenth part mentioned in the Grant as to have it secured to the King by way of Covenant from the Grantees; The Warrants was drawn accordingly, and a Bill was prepared pursuant to it by Sir *John Hawles*, his Majesty's Solicitor General: which recited the Commission, and took notice that the *Adventure-Galley* was Bought and Fitted for the Expedition by the King's Royal Encouragement, and at the sole Charge of the Persons Named, and that his Majesty being desirous that so Chargeable an Undertaking for so good ends should meet with Encouragement, did Grant to them all Ships and Goods and other things which after the 30th of *April*, 1696, had been taken, or should be taken with the Persons above-named, or any other Pirates by Captain *Kidd* or other Commander of the *Adventure-Galley*, as far as the same might belong to the King, or were Grantable by him, or in his power to dispose in Right of his Crown, or as Perquisites of the Admiralty, or otherwise, to be held without Account.

Before any further Proceeding was made on this Bill, the E. of *Bellomont*, Sir E. *Harrison* and the other Grantees gave Security, prepared and Executed at the Treasury, to Account with His Majesty, or such as he should appoint on Oath, and to answer to him a full clear tenth part of all they should be Intitled to under the Grant, and this being done, the Grant went to the Privy Seal, and afterwards passed the Great Seal.

There was no Account of *Kidd* or his Proceedings for a great while. But some of the Crew of one *Every* who had run away with the Ship called the *Charles* the 2d. and committed several Piracies, being taken, Letters were sent in the latter End of *August*, 1696, from the Privy Council to all the Plantations, taking notice of the Piracies Committed by the *Charles* the 2d. and requiring the Governours, to issue out Proclamations for securing *Every*, and as many as could be found of his Accomplices, and Commanding them to do their Utmost to Seize all other Pirates who had gone from several of the Plantations. About the same time the Lords Justices having Ordered a Letter brought to them, (wherein one of the Persons concerned in *Every's* Piracy offered to come in as a Witness, if he might have a Pardon,) to be sent to the *East-India* Company, to know if they wanted Evidence. The Company took occasion to present a Petition, in which they said they had Witnesses enough, but desired that all Gold, Silver or Jewels, which had made or should be Seized with Pirates should not be disposed of, but put into the Company's possession, to be preserved for the use of the proprietors in India.

The 2d. of *March* 1696. (a Year after *Kidd's* Sailing) the same Company in a Petition to the Lords of the Admiralty took notice, that of late great Numbers of ill Men had set out Ships from *Europe* and the *West-Indies*, and had Committed Piracies under *English* Colours, whereby their Effects in *India* were in Danger.

Danger to be Seized, and pray'd that their Ships might be Impower'd to take Pirates, and that the Company might erect a Court of Admiralty in India to Condemn them.

The Lords refer'd this Petition to Sir Charles Hedges, the Judge of the Admiralty, who on the 8th day of the same Month Made a Report, that the regular way would be for the Lords of the Admiralty to obtain a Commission under the Great Seal, giving Authority to them to Grant Commissions to the Company's Ships to take Pirates, but to be sent home in Custody. Observe that this was the very same Course prescribed by Kidd's Commission. This Report did not approve the Company's project, of being trusted with a Court of Admiralty in the Indies, and therefore as was little approv'd by the Company. Thereupon Sir Charles Hedges was Ordered to attend the Admiralty Board, and did acquaint them, that if their Lordships had a Power to that purpose--Granted under the Great Seal, they might appoint a Vice-Admiral at Bombay, who might Lawfully proceed against the Ships of Pirates, (if they thought, any Body fit to be so far intrusted) but still to send home the persons in Custody.

About August 1698, the East-India Company inform'd the Lords Justices, that they had receiv'd some Intelligence from their Factories in the East-Indies, that Captain Kidd had Committed several acts of Piracy, particularly in seizing a Moor's Ship called the *Quedah Merchant*. The Lords Justices immediately Ordered the Secretary of State to send Circular Letters to the Governours of all the Plantations in America, to give Notice of this News, and to Order them in the strictest manner to look after and Seize Kidd, in order that he might be Prosecuted with the utmost Rigour. There being great Reason to hope (according to what *Livingston* had affirm'd to the E. of B. as a good ground why Kidd might be trusted) that he would be under an absolute Necessity of coming back to some of the English Plantations. These Letters were sent away with all Dispatch.

The first News of Kidd's return into the American Seas was by a Letter from the President and Council of *Nevis* to the Secretary of State, Dated the 18 of May, 1699, which gave Notice that he had been seen in a *Genouese* Vessel very Leaky, that he was in distress for Provisions, and had touch'd at two or three places to seek for Succour, and that they had sent the *Queenborough* Man of War, which then attended that Government, in pursuit of him.

The next Advice given of him was from Captain *Quare*, Judge of the Admiralty Court in *Pensilvania*, who gave Notice that Kidd had been in *Delaware Bay* with a Sloop and about Forty Men in her, and that divers People had been on Board and supply'd him.

Afterwards (as it appears by Informations taken before the E. of *Bellomont* and the Council of *New England*, and transmitt'd to the Secretary of State by the Earl) Kidd Sail'd into the Sound of *New York*, and set Goods on Shore at several Places there, and after went to *Rhode Island*, from whence he sent one *Emmot* to the E. of *Bellomont* at *Boston*, who told him, that Kidd had left a Moorish Ship, which he took in *India* call'd the *Quedah Merchant*, in a Creek on the Coast of *Hispaniola*, with Goods in her to a great Value. That he was come thither to make his Terms in a Sloop, which had on Board Goods to the Value of 10000*l.* and was able to make his Innocence appear by many Witnesses.

The E. of *Bellomont* was overjoy'd to hear Kidd was so near, looking on himself as infinitely concern'd, not only upon his own account, but upon the account of the Noble Persons he had prevail'd with to be concerned in Employing him

to see him brought to Justice, and thinking nothing more Fortunate for himself than to be able to get *Kidd* Seized by his means. At the same time he resolv'd to act in such a manner, as to put it out of the power of Malice it self, to give a wrong Construction to any thing he should do. He therefore communicated his Intention to the Council, and with their Approbation wrote a Letter to *Kidd*, assuring him that if he would make his Innocence appear, in the manner *Emmot* had affirm'd, he might safely come to *Boston*.

In a few days *Kidd* return'd an Answer fill'd with protestations of his Innocence, and on the first of *June*, 1699. landed at *Boston* with his *Sloop*, and was Examined before the Earl, and the Council of that Province.

The Earl took care to have him carefully Observ'd, but deferr'd Committing him for some time, in hopes he might get out of him where the Great Ship lay. But his trifling and easie Answers, upon his Examination to that and other matters, his Friends Contrivances to embezel part of the Cargo, the preparations making to distribute presents in a Clandestine manner, but above all, *Levingston's* behaviour, who was come to *Boston*, and very peremptorily demanded from the Earl the delivery up of that Bond which he had entred into for *Kidd's* honest performance of his Duty in the Expedition, (as if that was to be taken for Granted) threatning, that unless this was done, *Kidd* would never bring in the Great Ship, gave the Earl of *Bellmont* good grounds to conclude that no more time was to be lost. Therefore on the 6th of *June* 1699, he caus'd *Kidd* to be Seized and Committed close Prisoner with divers of his Crew, and at the same time caus'd the Cargo to be taken into the Possession of several Persons appointed by the Council for that purpose, the Earl being determin'd to touch none of the Effects himself, nor take one step, with respect to *Kidd*, but in Concurrence with the Council.

When this was done, he set himself immediately about recovering such Goods as *Kidd* had left conceal'd in several places where he touch'd, in which he shew'd great dexterity as well as diligence, and had such Success, that a Considerable part was regain'd, and put into the hands of the persons appointed by the Council.

The Earl also gave Orders for fitting out a Vessel to look after the *Quedah*, according to such light as they had got from *Kidd*. But before she was ready to sail it was discovered that *Kidd* had not been sincere as to the Place where the Ship was left, or the Orders he had given concerning her; and particularly one Captain *Evertle* brought intelligence that the Persons with whom *Kidd* had left the *Quedah*, had taken out the Goods and Carried them in a *Sloop* to *Curassoa*, and after set the Ship on Fire.

Perhaps you may have the Curiosity to be inform'd of *Kidd's* actings after he left England, for his History is become considerable. I will give you an account of him, in few Words, as it appear'd in the Informations upon Oath transmitted by the E. of *Bellmont*. He Sail'd from *Plimouth* to *New York*, and in his way took a French Prize. From thence he Sail'd to the *Maderas*, then to *Bonavista* and *St. Jago*, and proceeded to *Madagascar*, and from thence (touching at several Places) he Cruis'd at the Entrance of the *Red-Sea*, but effected nothing.

After he Sail'd to *Calicut*, and about 1698, took a Ship of about 150 Tuns, whereof the Master and three or four Seamen were Dutch, the rest *Moors*, and He Carried her to *Madagascar*. He

He Sail'd from thence again, and about 5 Weeks after took the *Quedah Merchant*, of the Burden of 400 Tuns. The Master was one *Wright*, an English-man. She had on Board 2 Dutch Mates and a *French* Gunner; the Crew were *Mor* in all about 90 Persons.

The Ship he Carried to *St. Maries* near *Madagascar*, and there he shared Goods with his Crew, who were about 151, reserving 40 shares for his own part. When this was done, 90 of his Crew left him, and went on Board the *Mor Frigate*, an *East-India* Company's Ship, which had turn'd Pirate, and then he was there.

Kidd and the Rest of his Men burnt the *Adventure Galley*, and having prevail'd with some others who were then at *St. Maries*, to go along with them, they went on Board the *Quedah Merchant*, and Sailed for the *West-Indies*.

Being denyed Succour at *Angullia* and *St. Thomas*, he Sail'd to *Mona*, lying between *Porto Rico* and *Hispaniola*, and there by the means of one *Bolton*, got some Provisions from *Curaçoa*, and bought a Sloop of *Bolton*, on which he Loaded part of his Goods, and left the *Quedah Merchant* with the rest of the Goods, in trust with *Bolton*, and 17 or 18 Men in her. In this Sloop he touch'd at divers places where he distributed divers Bales of Goods, and at last came to *Boston*, where he was taken.

The E. of *Bellomont* by his Letters of the 8th of *July*, 1699, sent to the Secretary of State, and to the Council of Trade, transmitted these Informations, together with *Kidd's* Examinations and a particular Account of all his own proceedings in relation to *Kidd* and other Pirates, and Press'd that immediately Care might be taken in *England* to send for them in order to their Tryal, taking notice that in *New England* there was no Law to punish Piracy with Death; and that in those parts the people were so favourable to Pirates, by reason of the Wealth they brought and dispers'd among them, that little Justice could be expected. He also acquainted them how much he feared his Escape; because a Notorious Pirate had Escaped a little before the Earl came to *Boston*, not without great Suspicion of the Goalers Privy. He also desir'd Orders with respect to the Goods which he had secured.

Upon this advice the Lords Justices directed the Admiralty immediately to Dispatch away one of his Majesty's Ships to fetch *Kidd* and the other Pirates in safe Custody, together with their Effects. The Admiralty appointed the *Rocheſter* for that Service, who had her orders accordingly.

The Lords Justices by their Letters of the 12th of *September*, 1699, sent by the *Rocheſter*, approving his Zeal and Conduct the whole affair, inform'd the Earl of *Bellomont* of these Orders, and required him that, pursuant thereto, he should put the Pirates and their Goods on Board the *Rocheſter*.

The Lords of the Treasury by their Letter of the 7th of the same Month, let him know they rely'd on his care to take effectual Methods for securing the Treasure seized with *Kidd* and other Pirates from Embezelment, and to send all safe hither.

The Earl of *Bellomont* by other Letters dated the 8th of *September*, 1699, made several Proposals to Mr. Secretary *V.* of Methods to be used for recovering from *Bolton* and others, Goods of great value said to be taken out of the *Quedah Merchant*, which

which they had possessed themselves of, or had disposed of, and were retired to *Maraffao* and other Places. In this Letter he gave an Account of the Great Numbers of Pirates in all Places, and that if vigorous and effectual Measures were not speedily taken, the Evil will grow Incurable. And for the better preventing Frauds in Embezzeling Goods taken with Pirates, he proposed that all Governors of the plantations might be Obligated to account upon Oath for what they had possessed themselves of; and that none might think themselves hardly used, he proposed that it might be begun upon himself.

The *Rochester* sail'd without loss of time, but came back again the latter end of November, 1699. the reason of her returning will best appear by the relations of that matter, as the same were transmitted to the Admiralty Office, since upon the return of that Ship the Clamour about *Kidd* first began.

By a Certificate dated the 6th of November, sign'd by all the Officers of the *Rochester*, it appear'd they proceeded as far as the Ship was able to bear the beating of the Sea, and then resolved to endeavour to Return for *England*.

When they were return'd to *Plimouth*, by a like Certificate, they affirm'd the same thing, and that their Resolution was taken merely for securing the Ship, and the Company's Lives. The Captain by his Letter to the Secretary of the Admiralty, says, they were got above 500 Leagues before they met with the Storms. And Orders being sent by the Admiralty to Mr. St. Lo, the Commissioner of the Navy at *Plimouth*, to Examine into the truth of this matter, He Certified the Lord's of the Admiralty that in pursuance of their Commands, He, with the Assistance of the Officers of the Yard, had made a thorough Survey of the Ship, and (mentioning the several particular defects) they Unanimously found there was an absolute necessity of her coming back.

I have thus, as shortly as I can, given you a true and particular Account of all that passed in relation to *Kidd's* business, from the beginning of it to the time it came to be spoken of in the *H. of C.* without the least disguising or concealing of any Fact. I doubt not but by this time you (as all others who have taken the pains to inform themselves of the truth of the Story have done) will be ready to ask what is there Criminal or worthy of blame in all this proceeding, and how it is possible that so great a Noise should be made upon this Subject? The result of the whole being no more then this; several persons of Honour and Worth engaged in a great expence, with design for a publick good, by the King's encouragement, because his own Ships could not then be Employ'd upon that occasion, who was willing to gratify them, as far as by Law he might, out of what their own Vessel should take from the Pirates. That the Captain proved a Villain, and thereby disappointed the ends for which he was fitted out, and the Expectation his Owners might have of being reimbursed what they had laid out.

That this Misfortune should be turned to a fault, or that a design fair and honest in it self, openly and regularly carried on, should change its nature and become Criminal, or afford matter for scandal or reflection, because of the Unhappy Success, is very hard, and that which other Men would not think reasonable in their own Cases.

The *Mocha Merchant* was freighted by the Old *East-India Company*, and turn'd pirate, and has Committed more piracies than any five Ships have done. would they think it reasonable to be charg'd with all that guilt, because they were owners of the Ship? They would not certainly; how unreasonably soever some of them have Conspired and Labour'd to do the same Injustice to others. Would it be just for the Owners of the *Charles the 2d.* to be responsible for the Pirates committed by *Every*? The Infection of piracy is become very general. It is very lately that the Sailers in the Men of War which were appointed to carry the Governors of *Barbadoes* and *Bermudas*, entered into a Conspiracy to run away with the Ships and turn pirates. Had not that been discovered and prevented, would it have been just for the Admiralty to have been responsible for what such ill Men had done.

I come now to the 2d. thing, which I am Engaged by promise at the beginning of this Letter to acquaint you with; I mean, how it could be brought about, That this matter thus truly related, should give occasion for so much discourse and Censure as passed current for some time. You will easily believe it could not be effected without great Malice and much Artifice. Had it been Attempted the last Session (as it might have been, for the News of *Kidd's* piracies came long before) there would have been some more tolerable colour for Calumny. *Kidd* was then at large, it was uncertain if he would ever have been taken, and improbable that it should fall to the share of the Earl of *Bellomont* to Seize him. But after *Kidd* and his Men were secured by the Earl of *Bellomont* himself, after all his Effects put into publick hands, after such Zeal shewn in recovering what he had concealed and disperced, and such large and particular accounts given of his proceedings, with such pressing instances, that *Kidd* and other Pirates might be sent for in order to their Tryal, together with their Goods, to be disposed of according to the King's Pleasure, most Men would have thought it had been impossible to have put the least sinister Construction upon this Design.

But there is nothing too hard for Malice, Faction and Interest. As Reputable a Merchant as Sir *Edmund Harrison* is, nay as Considerable a Man as Our Friend my Lord *Bellomont* is, if Men of yet greater Consequence had not been concerned in this Undertaking, it had never been taken notice of, or at least had never been blam'd. That which deserves praise in others may become a Crime in Men of Eminent Stations, if the Season be proper for attempting their Ruin. If Men have been remarkably Zealous for the Support of a Government, if they have given proof of active Spirits, capable Heads, and bold Hearts, and the *Fatal* Period is come that such Persons may with safety be attempted, how easy is it for Spiteful and Ambitious Men, and false Patriots to Excite Envy, and improve the least pretences, and even disguise the best things with false colours, to make way for themselves and their own designs? There are a sort of Men, who had abus'd the Trade of half the World to the prejudice of the Publick, and almost of every Individual person, and introduced a Corruption into the Kingdom unknown in former Ages; who were ready to take any occasion against Persons, who as they supposed had endeavoured to put a stop to their Carrier. There are Men who are said to have tasted the Sweet of holding Admiralty Courts in *India*, and under that Colour for some Years together Committing notorious Piracies on the Ships of
England,

England, as well as the *Indian* Princes, for which they had paid no little Sums to the Crown, as the tenth of those pretended prizes, and (as the World said) much greater for a pardon, who perhaps were angry they had not the like Admiralty Courts again, and could not get all Goods taken with Pirates into their possession, under pretence of securing them for Owners in *India*, as had been press'd for. Whoever were the Authors, Lies and Calumnies were spread abroad.

The Thing was taken up by Surprise in the House, when a Matter of another Nature was expected, and a Multitude of downright Lies were whisper'd to prepare Mens Minds. Some were told that Great Men had procur'd a Commission for one *Kidd*, (a Notorious pirate himself, and so Represented by *E. I. C.*) to deal with pirates, and pardon them. That by the pretence of his Commission *Kidd* had Seized and plundered divers Merchants. Nay it was said that what he had done of that Nature, was according to his Commission. That this Commission was given under the Great Seal of *England*, a thing never done before, such Commissions going always from the Admiralty, whole proper business it was. Others said that the Admiralty had never heard of such a Man as *Kidd*. It was given out that the *E. of Bellmont* was sent Governour to *New York*, on purpose to Countenance piracies; and that by these practises the Merchants were so alarm'd that Insurances had risen considerably. That the Grant was notoriously Unlawful; that the sending the *Rocheſter* for *Kidd* was only a pretence, and that she was the only Ship that came back again, tho' great Numbers of Ships who went in her Company proceeded in their Voyage and got safe to *New England*. Such Facts these affirm'd with great assurance, by Surprise, and before Persons wholly strangers to the thing, might easily make an Impression, till the true Story was known, and the Instruments and Papers appeared, but then immediately every one of these Allegations was found to be false and groundless, and was wav'd with Shame.

The Account of *Kidd's* whole Affair as it is represented in the preceding Narrative, is literally true. The *E. I. C.* had never Represented *Kidd* to be a pirate, or made any Objection against him. They had never made any Representation relating to Pirates, till several Months after *Kidd* was gone to Sea, as appears above. The Impudent Falshoods relating to the Commission are best confuted by the Commission it self, in which there is nothing Objectable in point of Law, or different from the constant form of Commissions of that kind, of which there have been great Numbers. There is a power to Fight with and Seize Pirates, in order to Trial, but not a word of treating with or pardoning them. Every sentence that he committed on any Merchant, was directly contrary to the words, as well as design of his Commission, and expos'd him to be Hang'd for it; and the Crime was aggravated and not lessened, by his having a Commission. It is so far from being an Objection that his Commission was under the Great Seal, that it should be in no other manner. The Admiralty never did Grant a Commission of that Nature, unless they were first specially Authorized to do it under the Great Seal. This is plain by the Report of Sir *Charles Hedges*, upon a Reference of his Petition of the *E. I. Company* to him, whereby they desired the Lords of the Admiralty to Impower their Ships to take Pirates, that in order to Enable the Lords of the Admiralty to do so, they must have a Commission under the Great Seal.

Seal. But nothing does more clearly shew the baseness of this part of the Clamour than that the Men who principally made it, were they, who, above all others knew that Commissions in the same Terms were constantly Granted under the Great Seal to almost all the Captains who went to the *East-Indies*, at least, to all whom it was ask'd. And what truth could be in that affirmation that Kidd was unknown to the Admiralty, when he had a Commission from that Board as a privateer?

The Insinuation that the E. of *Bellomont* was sent Governour to *New York* Countenance Kidd and other Piracies, was the most unworthy and groundless slumny that ever was invented. His Behaviour since he went into those parts has been such as must silence all pretences of that kind. He has done so much to the Suppression of Piracies, and has seized so much of their Effects, that if like were done in other Governments, we might soon hope to see a stop put to a growing Evil. It was he that took *Fed. Weatherly* and *Joseph Bradish*, and their Crews. It was he who at a very great expence procur'd *Francis Dole* and *James Gillam* to be taken. I might name many others. It is well known how generously he has rejected all those Temptations which others have not been proof against. Nay it can be proved upon occasion, that the Sharers and Accomplices of these pirates were not without Solicitors and Agents here, well furnished with Money to assist the Clamour upon this occasion, and to move Heaven and Earth to get him recalled, which would be the best News to the pirates and unlawful Traders that ever came to the *West-Indies*.

As to the pretence that insurances rose by any thing done by Kidd, if it were true it would not be material, unless what he did had been pursuant to his Commission, but the Story is not only false but indeed wholly ridiculous. Had there been any Colour for it, why was it not Objected the year before, why not Kidd was taken, could do no more mischief?

As to the Tale of the *Rochester*, that her sending out was a Collusive practice and her return a Contrivance, there cannot be a more notorious untruth. It affects the Lords Justices, the Lords of the Treasury, and of the Admiralty, more than the Persons concern'd in the setting out of Kidd's Ship. But the Account given of the Return of that Ship must satisfy every Body, and it is not strange that Season of the year to have Ships forced back from the Coast of *New-England*. If the Owners of the Adventure Galley must be liable to Answer for the Weather as well as for the Actions of Kidd, they are in a happy Condition. I am fully perswaded, that if the *Rochester* had not been forced back this complaint had never been heard of, but when they were sure Kidd could not be here quick it was found to be a proper opportunity (for other purposes than were own'd) to make this Outcry.

I have thus performed the second part of my promise, in setting down the several Stories which were industriously and dexterously spread to give a Countenance to their Malice, who had a mind to find a fault where there was none, and to heats and throw dirt, in order the better to arrive at their secret ends. And now give me leave to tell you my thoughts plainly in this matter. As the Lords whom I have nam'd, were unhappily drawn into a great deal of Trouble, by the being engaged by the E. of *Bellomont* in Kidd's Undertaking, (for which I

very sorry) so I am fully convinced, that if it had not been for the sake of those very Lords, in hope to lay some Reproach upon them, our Friend the E. of Bellomont had never been persecuted at the rate he has been, and therefore they ought to pity rather than complain of one another. But to proceed, notwithstanding the noise which was made, the open and earnest desires and endeavours of the persons concern'd to have the truth of the Fact appear, and the ready producing of every paper relating to the whole Transaction, made it impracticable to impose long on the World. It was strange to see how on a sudden the Discourse was changed. It was quickly said, that it was not material to look into the Papers, which were required before with so much earnestness. But how fair soever the matter of Fact might appear, how regular soever the Commission was, tho' the way of obtaining it was open and avowed, and the proceedings of the Government, and of the Owners, and of the E. of B. himself, exact and justifiable, yet still it was said the Grant was Unlawful, at least very inconvenient. And therefore it was reasonable that should be censured, and then there should be an end of this matter. It was given out on the suddain, and that by a Kinsman and pretended Friend of the E. of Bellomont, (but always famous for Sincerity), that nothing harsh was intended, and that if the Grant was not contrary to the Act about Privateers, there was nothing to be Objected, even to the legality of it. Here was a second instance of fair dealing. When, Calumnies had fail'd to get a hasty Censure, than all the Slanders and Misrepresentations were pretended to be waved, and there remained no Objection but as to the meer Legality of the Letters Patents, and to render People secure, and put them upon a wrong scent, they were to understand that no hardship was meant, tho' the Grant should prove not to be strictly Legal. As to that there was little doubt likewise, because nothing could be Objected to it in point of Law, but what was to be found in a Statute, which, upon looking into, they well knew must appear to have no one word in it concerning the Letters Patents, that Law relating wholly to Prize Goods, not in the least to the Goods of Pirates.

I am now to perform the third part of what I promised you at the beginning of this Letter, I mean, to tell you how at last this matter concluded; which must be by giving the best relation I can of what was said for and against the Grant, and what was the Opinion of the Committee of the whole House of Commons upon the matter. This I told you I was very ill qualified to do. But without more excuses, as I am perswaded I heard every thing that was said on the Occasion, I will endeavour to repeat the Substance of the whole as well as I can.

You remember I told you how easily (as it was given out) this Debate was to end, how little Severity was meant, and to how short an Issue the Legality or Illegality of the Grant was reduc'd. You will wonder to hear that as soon as the Debate began the 6th of December, 1699. the Question proposed and insisted on should be, *That the Letters Patents Granted to the E. of Bellomont and others of pirates Goods, were dishonourable to the King, against the Law of Nations, contrary to the Laws and Statutes of this Realm, Invasive of property, and Destructive of Trade and Commerce.*

A heavier charge could not be possibly framed, and persons guilty to such a Degree could not be punish'd too severely. The Arguments used to make good this Charge were.

1. That by Law the King could nor grant the Goods of Pirates, at least not before Conviction.
2. That the Grant was extravagant, for all Goods of Pirates taken with or by any persons in any part of the World, were Granted away.
3. Not only the Goods of the Pirates, but all Goods taken with them were Granted, which was Illegal, because, tho' the Goods were taken by Pirates the right Owners have still a Title to them, Piracy working no change of Property.
4. The Restraining Words in the Grant were said to be specious only, to colour the Injustice, which otherwise would have been too notorious. Meer words of form put into every Grant. Supposing the King to have Power to make a Grant of the Goods of Pirates, yet he could Grant nothing else, and therefore the inserting those other words could have no good meaning. If the King should Grant the Manner of one Subject to another, as far as in him lies, such a Grant would not be Endured. The words, as far as in us lies hint at a Power of Granting away the Subjects Goods, so that they might be said to be rather extensive than restrictive. The thing spoke it self, the begging of the Goods of the Pirates themselves would have been scarce worth while, and therefore no doubt the aim was at the Merchants Goods.
5. By this Grant a great Hardship was put upon the Merchants whose Goods might be taken with the Pirates, for they had no where to go for Justice. They could not hope for it in the Chancery, the Lord Chancellor being Interested; Nor at the Board of Admiralty where the E. of *Orford* presided; Nor from the King, all access to him being by the Secretary, who was the D. of *Shrewsbury*; Nor in the Plantations where the E. of *Bellomont* was. So the only Judge, who the Pirates were, and what Goods were theirs, was Captain *Kidd* himself.
6. There was a suggestion in the Grant of the Kings knowledg that the Ship was fitted out at the E. of *Bellomont*'s, and the other Grantees Charge, and his Approbation of the design, which was a high presumption in him that prepared the Grant, for the King was not to be supposed to know it, and it put a hardship upon the Subject, for it was unmannerly to Dispute the Fact after such an Affirmation.
7. The King is a Trustee for the People in Guarding the Seas against Pirates, and in the Protection of Trade, and this is such a particular Trust, such an inherent Prerogative, that he cannot assign it over or devolve it upon another, as was said to be done in this Case.
8. These things were granted without Accompt, so that the Grantees might possess themselves of the whole without any adjudication, and thereby the Goods might be Embezeled at pleasure, and the Parties left without Remedy.
9. Several Persons were named in the Grant, and their Goods Granted away before Conviction, which was against Law and contrary to the Bill of Rights. The Example and precedent might be of ill Consequence to innocent Persons, and subject them to be prosecuted for the sake of their Estates if such Grants might be before Conviction.

These

These were the Arguments which the Men who had a mind to object to this Grant, or rather to reflect on the Person concern'd in it, made use of. I have conceal'd nothing which I heard from any Body, how slight soever it seem'd to me, lest it might be an Error in my Judgment only that it appear'd to have no more weight.

I will now proceed with the same fidelity to relate to you what I heard by way of Answer to these Objections, and in defence of the Legality of the Grant. In this part as well as the former I pretend only to repeat what I heard, being incapable to add any thing of my own.

1. The first Objection against the Legality of a Grant of the Goods of Pirates was said to be frivolous. A Pirate is *Hostis Humani generis*, Every Man by the Law of Nations, without Commission from any Prince, is Impower'd to take and destroy him, and may hang him at the Yard-Arm; and thereby he gains a property in the Goods of that Pirate, as the Law Books affirm.

But *Grotius Loccenius*, and other Writers upon the Law of Nations, say it is more advisable in such a Case to act by publick Authority, which, in case of Accidents, will vindicate the Uprightness of the Intention from any Sinister Construction. But then if a person proceeds to seize Pirates by virtue of any Prince's Commission, the property of what belongs to the Pirates will become vested in the Prince who Grants the Commission, and is disposible in such manner as he pleases.

It is not disputed but the King may Grant *Bona felonum*, such Grants have been made in all times. Many Lords of Mannors have them, and they have been solemnly Adjudg'd to be good. A Grant of the Goods of Pirates can be no more liable to Objection, rather much less, because a Conviction upon Record must precede any Forfeiture for Felony, whereas by the very Act of Piracy the Forfeiture incurs. Grants of the Goods of pirates have been very frequent.

There are few Letters patents upon Record for the constituting an Admiral, wherein there is not any express Grant of the Goods of pirates. Several Instances are mentioned: That to the Lord Russel, 32 H. 8. To the Earl of Warwick, 3 Ed. 6. To the Lord Clinton, 4 Ed. 6. and 4 & 5 Ph. & M. To the Lord Howard, 27. Eliz. To the Marq. of Buckingham, 16. Jac. 1. To the D. of York, 12. Car. 2. and no Objection was ever made to the lawfulness of any of these Grants at this point.

2. As to the second Objection grounded on the Universality of this Grant, as tending to all Goods of pirates taken in any part of the World; ----- The Answer is that it was a false representation of the Grant. A general Grant of pirates goods had been good, but this was only of the Goods of such pirates as should be taken by the *Adventure Galley*. The Recompence went no farther than the consideration. The ground of the Grant was the expence of fitting out the Galley, and the hazard of those Employ'd in the Service, and the Grant is of no more than what that Ship and these Men should take.

3. The third was urg'd as an Objection of much weight. The Grant was said to be not only of the Goods of pirates, but of *Bona Depradata*, of all Goods taken by the pirates, which was what the King had no right to Grant, for the property continued in the Owners, notwithstanding the piratical taking. This was

was agreed to be an Objection to the validity of the Grant, so far at least, if those words, or other words of the like import were to have been found in it. For undoubtedly the Owners have a right to Challenge their Goods, and prove their property; but the Fact was utterly denied. The Grant extended to no such thing.

The Grant was only of such Ships and Goods as should be taken together with the pirates by the *Adventure Galley*, so far as the same might belong to the King in his Power by Law to dispose as belonging to his Crown, or as perquisites of the Admiralty. This is far from being a general Grant of all taken with the Pirates, unless it should be admitted that the King has a Right to Grant all. If any of the Goods did not belong to the King, if he had not by Law a right to dispose of them, they did not pass, nor could ever be intended to pass by the words of this Grant. To one of so vulgar an understanding as mine, nothing could appear more absurd than to assert, that it was unlawful for the King to Grant what he had a right to Grant by Law, or that a Grant in such words could pass what he had not a Right by Law to Grant. The true way of reasoning was just contrary, that if the Grant had been in general words, yet it would pass only what the King could give by Law, and would be void as to the rest.

To avoid the absurdity of maintaining so manifest a Contradiction, it was pretended that the words in this Grant, which seem'd restrictive, were only words of Form, put into all Letters Patents for shew, but imported nothing. This did not well agree with what some had Objected that no such words had ever been put into any Grant before. But to avoid the pretence wholly, they were call'd upon either to show some Authority in Law where these, or such like plain words of Qualification and Restraint had been adjudged void and insignificant, or else to prove in general, that all words of Restriction in the Kings Grant were void, to assert which would be as great a proof of Ignorance as Malice.

But because a very plain thing may be sometimes made yet plainer by an Instance, a very remarkable one was mentioned. In the last new Charter purchased by the *Old East-India Company*. All the Powers and privileges contain'd in their former Charters were Regranted to them in general words, many of which being contrary to Law, the new Charter therefore stood justly liable to exception *prima facie*, because all those Extravagant and Unlawful Clauses, of which such great Complaints had been made, and by Colour of which so many unjustifiable things had been done, were revived and renewed. And this Exception had been urged with great warmth in the same place where the Debate then was upon the *E. Bellomont's* Grant, by one who appear'd as angry as any Man with this latter Grant. But as soon as the learned Person, concern'd in the passing that Charter, had shewn that the general words were restrain'd with that safe Clause, *as far as the same might by Law be Granted*, the Objectors and every Body else acquiesc'd.

As to what was said that these words were rather extensive than restrictive, it seem'd to imply a Power in the King to Grant what he could not, because he could only dispose of the Goods of the Pirates themselves, and therefore all that was beyond that was wrong, the matter was thus Explain'd.

1. The King was intitled to the proper Goods of the Pirates and might Grant them absolutely.

2. He was intitled to all such Goods as were taken by Persons acting under his Commission in the possession of Pirates, where the Owners could not be known, or the property could not be made out.

3. The King was also intitled to a reasonable Contribution from the Owners of Goods recovered from Pirates, by virtue of his Commission, after proof of their property towards the Charges of the Expedition, which is to be fix'd and determin'd by the proper Judge. This is agreed by *Grotius* and other Writers to be the Law of Nations.

And fourthly, by the Law of the Sea, if Pirates take a Ship, tho' by force and unlawfully, and proceed to commit Piracies in that Ship, and be afterwards subdued and Seiz'd by persons acting by the Kings Commissions, that Ship is forfeited and belongs to the King.

None of these positions could be denied to be Law, so that it was manifest the King had several Rights and Interests, which he might Claim, and might Grant, and intending to Grant them all, the most earnest in objecting to the Grant were Challenged to find out more proper or more cautious and qualified Expression than those which Mr. Solicitor-General had made use of in this Grant.

5. But it was objected that by this Grant a Hardship might befall Merchants who might be put to Contest with Great Men where they had no equal Court to apply to? The Answer to this was, that it was like the other pretences a popular topic fit to make a Noise with, and to be used in order to impose upon the Ignorant, but could have no weight when it was considered. Suppose no Grant had been made, was it less hard for the Merchants to contend with the King than with subjects of what sort soever. The Relief for the Owners of Goods taken by Pirates was the same to all purposes, whether there was a Grant or not. The Judge of the Admiralty had the known Jurisdiction. The Parties concern'd had no occasion to go to the Chancery, or the Secretary, to the Commissioners of the Admiralty, or the Plantations; none of which had any Jurisdiction in the Case, nor could relieve or oppress them, but they all would know their way to Doctors Commons. The Judge there was to secure and order the persons of the Pirates at their Trial, and he had the Custody of the Ships and Goods till the right was determin'd. This the Judge himself very handsomely declared, and shew'd not only the lawfulness but the usefulness and necessity of the Expedition, and of all the steps taken in relation to it. He shew'd that if the persons supposed to be guilty of Piracy were acquitted, every thing was to be restor'd, if they were found guilty, he was judicially to determine what Goods were properly theirs, and if a doubt remained as to any part, he was to use the known legal methods in respect of persons who had a right to put in their Claims, and was bound to do them Justice. In the whole proceeding the Laws of Nations were to be pursued. And when at last the regular Methods were gone through, and no Objection remain'd, was said, that the Judge might require security for making Satisfaction to Persons who might be Concern'd, in case a property should afterwards be proved. It was very well observ'd of what a strange nature this Objection was, that Merchants might be put to trouble to recover their Goods, when no notice was taken that it concern'd only such Goods as the Merchants had utterly lost before, such Goods as they had been spoil'd of by Pirates, and by Pirates against whom no force could be

sent, but under the Encouragement of the Grant which was in question. So that before there was not a Merchant in the World but must think his case well mended to have his Goods retaken from Pirates, and himself in a condition to go to a regular Court for his relief and recovery of Goods, which otherwise he was irrecoverably depriv'd of.

6. The Sixth Objection made to the Grant was because of the Suggestion in it that all the precedent things were done with the Kings Knowledge and Approbation, which was said to be a high presumption, because the King is not by Law supposed to know these things, and by this Suggestion a difficulty is put upon the Subject in whom it must appear unmannerly, and disrespectful afterwards to contradict such a fact. The Answer was, that this Objection contradicted it self; for if the Law presum'd that the King could not know the Fact, in such a case it could be no want of Respect in any Man, to contradict an Allegation of that Nature. But that Notion was said to be without any Foundation. That infinite Grants of our Kings are founded on the Suggestion of the parties, and that Suggestion made the very consideration of the Grant. And the King by Law is so far presum'd to take notice of it, that if it be untrue, it is at the peril of the party; The King is deceiv'd, and the Grant made upon such an untrue Suggestion is void. So that it was for the Kings Advantage to have the Fact inserted, because, if it was untrue the Grant might be avoided, and the proof was Incumbent on the Grantees in such a Case.

7. As to the trifling Objection, that the King was a Trustee for the people in guarding the Seas, and protecting Trade, which Trust he could not delegate or assign to another; It was said there was no doubt but the Office of a King is to protect his people and their Trade, as it is theirs to obey him and to Enable him to defend them. But how this Notion was applicable to the present occasion was not easie to imagine. Every Man had a right to make War against Pirates without any Commission, and therefore the Care of guarding and protecting Trade against them, was so far from being an Incommunicable Trust lodg'd in the Prince, that every Man, who had enough of Courage or publick Spirit to Undertake it, had a natural right to free Trade from those spoilers of Mankind. So that as the Civillians say, it was Prudence, not Necessity, which induced Men at any time to take Commissions for Seizing Pirates, the better to Justify the Uprightness of their Intentions, in Case of a Malicious Prosecution like the present, or any Unhappy Accident.

But suppose the Trust of destroying Pirates, and protecting Trade, to be lodg'd in the King, Was he necessarily to Execute that Trust in Person? Was he to go in search of Pirates and to find out *Toa* and *Wake*, and the rest of that cursed Tribe? The Kingly Office obliges him to defend his People from Enemies, and the power of making War is indeed his incommunicable prerogative, but will any Body say he must necessarily do it himself, and that if he grants Commissions to his Subjects he assigns his Trust, and if he sends out his Generals he devolves his incommunicable prerogative to others.

To bring it nearer to the present case; it was urg'd, that it was allow'd among all Princes to grant Commissions to Privateers in time of War, empowering them to fight with and take Enemies, their Ships and Goods, and to hold the same

their own use, or such proportions thereof, as the Prince thinks fit to allow (the Terms being often varied according to the Circumstances of the War, and the Encouragement which the occasion requires) and yet no Objection can be fancied against the Commission to *Kidd*, and the Grant to the E. of *Bellmont*, which is not altogether as Strong against every Commission that ever was granted to a Privateer.

The incommunicable Trust of making War is transferr'd to particular Subjects; The Kings right to the Spoils is given to them: They are made Judges who are Enemies, and are intrusted to Seize Ships and their Cargoes before Adjudication, whereby perhaps they may give trouble to Friends and Allies, and may possess themselves of the Ships of Merchants in Amity with the King, or at least of their Goods which may be on Board the Ships of Enemies, and so Merchants, Friends, may be put to Charge to make out their property, and may have great Men to contest with, for very great Men have taken Commissions of Privateers (most of the great Men in *England* did so in *Q. Elizabeth's* Reign). It appear'd that the same Objections, in all their Force, lay against Commissions to Privateers, which are confessedly lawful and Justified by the Custom of Nations, as did against the Commission and Grant in Question. It had always been taken for a full Answer to these imaginary difficulties, in the case of Privateers, that after the Capture there was a proper Court to be apply'd to, before any actual property could be gain'd. The Judge of the Admiralty must determine, whether the Ship belong'd to an Enemy, and whether all, or what part of the Cargoe did so, and if any of the Goods should be proved to belong to a Subject or Merchant in Amity, they must be adjudged to him, and if no such property be prov'd, the Goods will be adjudged to the Captor, as being *prima facie* by Law presum'd to belong to those in whose possession they were taken. And therefore since the supposed Inconveniencies are the same in both Cases, and Justified by the same Reasons: since indeed the Cases are the same, for the Pyrate is an Enemy, and if there be any difference, the declared Enemy in time of War has the Advantage, for he is so by Accident, and for a time, but a Pyrate is a perpetual Enemy to every King and State, nay to every Man. Some pains was taken to make a difference in the Cases, because the Commissions of Privateers issued from the Admiralty, whereas *Kidd's* Commission pass'd the Great Seal. But tho' no Consequence could be drawn from this to make good the Objection, as to the suppos'd Inconveniencies which were insisted on, yet this also was made out to be founded on a mistake in fact. It was confessed that of latter times, for the King's ease, the Lord Admiral, or Commissioners of the Admiralty, at the being of a War, have been usually invested with a general Authority under the Great Seal, to grant Commissions to Privateers upon such Terms as are express'd in the Letters Patents, and by virtue of that Great Seal it is they do it. Letters of Marque in time of Peace have always been granted under the Great Seal. And heretofore in time of War, Commissions to Privateers never pass'd otherwise. Many hundreds of such Commissions are extant among the Records in the Tower, and at the Pell-Office. It was not indeed contradicted at last, but that the Commissioning Men to act as Privateers to take Enemies, or Commissioning them to take pirates, was not Originally of Admiralty Jurisdiction, so they could not do it in any Case without some previous Authority under the Great Seal.

8. It was further Observed, that what had been said upon this Occasion was an Answer to another Objection, that the Ships and Goods being by the Letters Patents granted without Account, the Grantees were not under an Obligation to have the Judgment of any Court in the Case, and so the same might be detained or Embezeled at pleasure, and the rightful Owner would be without remedy, not knowing where to find his Goods. It was shew'd plainly, that an Adjudication was absolutely necessary for the Grantees Interest, without which they could have no certain property or benefit of their Grant. The pirates must be brought to Justice and Condemn'd as such, if their persons were forthcoming, Otherwise their piracies must be proved, and the Goods must be afterwards adjudged to be theirs, or nothing was gain'd by the Grantees.

But this Objection was shewn to be yet more frivolous by observing that *Kidd*, by his Commission, was not only obliged to bring the pirates to Justice, but to keep an exact Inventory of all he should take with them; from which, the subsequent Grant to the E. of *Bellmont*, and others, did in no sort discharge him, but he stood still bound at his peril to perform it.

Besides the Grantees themselves were under no less strict an obligation of accounting than *Kidd* was, It was true, as was objected, the Goods were granted to them in the Letters Patents to hold without account (which words import no more to hold to their own use, and not to the Kings, and therefore it is well known they are inserted in all Letters Patents where any personal things are granted by the Crown), But by the deed of Covenants, executed by the Grantees in the Treasury, they are expressly obliged to account upon Oath, and to Answer a full Tenth part, clear of all charges, to the King. To this purpose the Letters Patents and this Deed of Covenants were said to make but one Conveyance, and the Grantees were as much obliged to account, as if the words of the Indenture had been inserted in the Letters Patents. So that the Grantees were plainly to account for the whole: tho' indeed there was a notable Objection made, that they were only oblig'd to account for the Tenth part, as if it were possible in any case to make up an account of the Tenth, or any certain part without Accounting for the whole.

9. I call to mind no other Objection which I heard to these Letters Patents, but that upon which at last a great weight seem'd to be laid, and which perhaps will surprize you more than all the rest, I mean that four pirates were mentioned in the Letters Patents by name, and their Goods granted before Conviction, which was said to be a very great hardship to the poor Men, not warrantable by Law, and indeed contrary to one of the Articles in the Bill of Rights.

As to this some said it was a Rule of Law in many Cases, that the notoriety of the Fact supplied for other Formalities. It went further in the D. of *Monmouth's* Case. There it was taken as a sufficient Ground for making a new Law, and was all the Parliament had to say, to Justify it self for passing an Act of Attainder against him. But as a farther Answer to this Objection, it was said the Bill of Rights did not extend in any manner to this Case, the whole Act related only to the securing to the Subject the Benefit of the Common Law of England, and had no relation to Cases which were of the Consuance of the Civil Law, as that of Pirates was acknowledged to be. The Words shew'd the Clause could relate only to such Forfeitures as arose by the Conviction, as Com-

non Law Forfeitures do, and not to such Offences where the Fact it self makes the Forfeiture, as it does by the Law of Nations, in case of Piracy, for tho' the Pirate escape or is slain in fight, or dies before his Tryal, yet he has Forfeited his Goods. It naturally follows, that since by committing piracy, the Offender had lost his right in the Goods; It was no wrong to him that they were granted away. Whereas, tho' a particular person be the most No-orious Felon, and ever so often guilty of the Crime, yet his Goods continue his own, till the Conviction upon Record gives the King a Title, and till that Time the King has nothing in him to grant.

This was taken to be a good Answer to the Objection in point of Law, nor could there be any possible prejudice by the grant to the persons charged with piracy, or to any Claiming under them, for unless full proof were made of the Guilt, the Grantees could have no benefit by the Letters Patents. If the proof were not to the Satisfaction of the Court, the goods as well as the person remained safe.

But the truth is, the Debate on this head was soon over. The making of the objection gave such a ridiculous view of the whole Design, and did not only expose to every Eye the Transcendent Malice of those who raised this Clamour, but bore so little proportion to the black Terms of the Vote, that they grew ashamed of pressing it farther. And thought it impossible from such an Argument to make good so Tragical a Charge, as that the Grant was *dishonourable to the King, against the Law of Nations, contrary to the Laws and Statutes of this Realm, Invasive of Property, and Destructive of Trade and Commerce*: and so the question was'd in the Negative by a very great Majority, and I believe to the Satisfaction of every Impartial Man in or out of the House.

This was the end of this matter, which as you very truly say, made a strange noise, and was represented as a most dangerous Combination of some great Men to turn pirates (words often repeated by a foul Mouth, which does honour in the end to any Cause or persons its Master sets himself to oppose), and prove at last to end in a wretched pretence, that something in the Grant was too severe and hard against four Infamous old notorious Offenders, whom hundreds of Witnesses, in a manner, the whole province of *New-York*, could have given Testimony against.

Such a grant might much more properly have been said to have been Destructive of piracy than Destructive of Trade and Commerce, and yet this was ground enough to treat the Solicitor-General as a Criminal, to threaten the Board of Treasury with Impeachments, for letting the Grant pass, and to Arraign and Expose not only the Grantees, but other persons of Honour and unspotted Reputation, who were at the charge of the Undertaking at his Majesty's own Desire and Encouragement, as Pirates and Robbers.

I cannot help concluding my tedious Letter with asking you a Question. Whether you do not see plainly that at this time the sole unpardonable Offence is to have appear'd very Zealous for, and very useful to. K. ~~M~~ and whether it be not growing as difficult for such Men to be safe or innocent, as it is for those who have acted the contrary part to be brought to Justice.

I am sure you will be much concern'd to know how particular Men behaved themselves upon this Occasion, but in that I must desire to be excused. Mr. J. G.

(as he was indeed principally concern'd) behaved himself like an honest and able Man. Mr. C. in the opinion of every body out did himself, which is Commendation enough for one who does always so well. The E. of *Bellomont*'s old Fellow Servant shew'd all the venom of his Ulcerated heart. But his Kinsman (whom you have too long had a good opinion) was his most malicious and most mischievous Enemy. The very Forger as well as Disperfer of most of the Letters which were spread abroad upon the occasion. I got a Friend of yours and the E. of *Bellomont*'s to charge him very close with this matter; and his Answer was He meant no hurt to the E. of *Bellomont*, but his design was to reach others. I believe it was so principally, but he that will ruin his Friend rather than not be an Enemy, He that will Sacrifice Truth and Justice to his Ambition and Revenge and prostitute the name of Patriot to get an opportunity of selling his Country shall never continue in my good Opinion, nor I believe in yours.

I am Yours, &c.

London 24. April, 1701.

SIR,

I Own my Mistake in concluding the long Letter I sent you last Year, with saying that the Vote of the Committee of the whole House of the Sixth----- of *December*, 1699, which passed in the Negative, after so very Solemn Debate, had put an end to *Kidd*'s business, and to all the Clamours upon that Subject. I really thought so at that time, but the Attempt made since to raise matter of Reflection upon the persons concerned in that undertaking have been as malicious and violent as ever, but with altogether as little success. The E. of *Bellomont*, for whose Reputation you shew so high a Concern, remains untouched in Honour, after a sharp and spiteful Inquisition as ever was made into an Action. It is certainly an Infinite affliction to him, to reflect on the Trouble which divers Noble and Worthy persons (for whom he always had, and very justly, the highest value) have been put to on this unhappy Occasion; but he has the Satisfaction that even they can impute nothing to him, but that he was a little too Credulous in believing *Levison* that *Kidd* was an honest Man, and too positive in representing him as such.

But tho' I agree I was mistaken in believing there was an end of *Kidd*'s Affairs and that even they who had press'd it hardest, would have been glad to have never heard more of it; yet I cannot so readily agree to your Inference, that because I then mislead you, (as you call it), I am therefore bound to give you an account of all that has pass'd since that time. But you will have it so, and the Honour of

absent Friend is as much concern'd that the Truth of what happen'd this Year as well as what happen'd the last Session, should be known; and therefore I will endeavour to give you Satisfaction, tho' you know I am not so well qualified to give the Relation of what pass'd lately in a certain place, as I was the Year before. In a few days after I had sent the former Letter to you, I was informed that some Gentlemen Expressing themselves much pleas'd, that so unreasonable a Charge had received so just a determination, that honest Cousin of the Earl of Bellomont's (whom I mentioned in my Letter) being present, said it would be found a great error to think that matter was determin'd, and that the persons concern'd might think it worth while to give a great deal of Money to hear no more of it. I consider the Character of the Man gave me some apprehension, as soon as I heard this story, for such sort of malicious Threats, are the only words of his, which his acquaintance on his own Family give any credit to. Yet having heard nothing relating to this Subject for above two Months afterwards, I rested under my former opinion, that all was over.

But several Attempts against a Noble person, then in a great Employment, having fail'd, and his Persecutors thinking it absolutely necessary for their purpose, that some charge or other against him should be kept depending, at the end of the Session, if they could not succeed against him while it depended. On the 16th of March, 1699, on a suddain, as if it had been a new thing (tho' the King had been graciously pleas'd to order it as soon as ever the Rochester was forced back) the House was informed that Captain Kidd was sent for home from the West-Indies. Thereupon an Address was immediately agreed to, That he might not be tried, Discharged or Pardoned till the next Session of Parliament; and that the Earl of Bellomont might transmit over all Commissions, Instructions and other Papers relating to him. It was whispered what great things would appear when those papers were produced. It was insinuated that there was another Commission not yet discovered; some said there were secret Instructions of a dangerous Nature that would appear, and others that the private Articles between the Earl of Bellomont and Kidd would shew the bottom of the Design. How far such an Address could by Law be comply'd with, is not for me to determine, but it seems not very consistent with the Habeas Corpus Act, which ought to be very sacred, and which is unrepeal'd unless a Vote can do it. However on the 25 of March, they were inform'd that their Address was granted.

But this Objection might have been easily avoided, for on the 8th of April following, the Secretary acquainted the House, that the King had received an account that Kidd had arrived in the Isle of Lundy, and that the Ship in which he came was bound for the Downs, whither his Majesty had sent a Yacht in order to the bringing of him up, and the Marshal of the Admiralty was appointed to go and take him into Custody. It was natural to believe, that such an Information must necessarily have produced another Address, that Kidd might be brought directly to the Bar of the House, in order to his Examination, to the end all possibility of tampering with him might be avoided, and the truth might appear immediately. It was certainly thought a thing of great Moment, otherwise so much time would not have been spent about it, to the Interruption of the publick Business. It was thought necessary to have it under a Parliamentary Examination,

onselfe such an Extraordinary Address had not been made to keep a Man so long in Custody.

This was reasoning which Men would naturally fall into. But on the contrary no notice at all was taken of this account of *Kidd's* being come. It was so Mens meaning not to have the matter made plain. It was a mistake to think there was a desire to have the Truth out. While it remain'd imperfectly examined there was room for Reflections and Surmises, and perhaps 9 or 10 months Imprisonment might prepare a profligate Man, when he understood his Life depended on it, to say that which he might be Unprepared for on a suddain, while he was a Stranger, and knew not how things went in *England*, and what sort of Story might save him.

Whatever was the reason, no Address or Vote was made relating to *Kidd*, the Parliament rose the 11th of *April* following, *Kidd* was brought to *London* the day after.

As soon as the Parliament was up the Commissioners of the Admiralty took up themselves the Examination of *Kidd* and his Crew. This was the more observed because it was then generally said, the King had order'd the whole matter to be examined at the Council Board in his own presence. That seem'd to have been the most proper place. At another time few persons would have presum'd to meddle with an enquiry wherein so many Privy Counsellors had been named, if they could have avoided it. But some words, drop'd in the late House of Commons by one or two of the Managers of the Clamour, were, it seems, thought a sufficient Warrant for the Com---rs of the Adm--- who (as I have heard) are no Court, and have no Judicial Authority, to take upon them this Examination. They who knew some of the persons who Compos'd that B--- were very positive that the reason of their undertaking that Affair did not proceed from any partiality to favour the Earl of *Bellomont* or those concern'd with him.

And that the Adm--- alone might not out-do themselves upon the Occasion, the Earl of *Bellomont* having by the Ship in which *Kidd* was brought sent to the Secretary of State Pacquets fill'd with many Letters directed to themselves, and other Persons of Honour and Quality, as well upon the Affairs of the Provinces where he was Governor, as of his own and their private Concerns; They were pleas'd, out of a very Extraordinary Zeal for the discovery of Truth, to bring all those Letters to the Adm--- to be perus'd, in order to assist their Examination: And they as frankly took upon them to open and inspect them. It is true they were pleas'd to Summon the persons to whom the Letters were directed, to be present at the Opening of them: but if it appear'd to be necessary for them to take their Letters into their own possession, it was to be on an Engagement, that they should be forth-coming, for which purpose they were to be mark'd.

This was then thought a thing of a very Extraordinary Nature. The Oath of Secrecy which some Officers take is very strict. Letters sent from publick Persons to Sec---s of St--- are the King's Letters and not theirs, and may contain matters of Importance which none but the King ought to know, and till they are opened it cannot be certain what they do contain. Nay, it has appear'd since, that the Letters did contain matters relating to the Plantations which ought not to have been divulged. 'Tis true if there was a previous Order for thus Acting, from the Person

who only can dispence with the Secrecy, this Objection is answer'd; but it was positively answer'd, that person had been pleas'd to Declare he never heard of it till it was done. I shall not enter upon a Discourse what Power Secrecies of State may have over private persons Letters which are sent in Boxes or Covers directed to them. If the persons stand charg'd with matters wherein the Safety of the King's Person or Government may be concern'd, nay if there be but a reasonable Ground for Suspicion, that any Light of that nature might be gain'd, good men would make large Allowances for Secrecies looking into Letters themselves, tho' it would be hard to delegate that privilege to others. But when nothing of that kind was pretended, when there was no other ground to suspect the Man or the Letters, unless you will suppose them to be infected because they came in the same Ship which brought *Kidd*, this sure is of a dangerous Example. But adding to this that some of these Letters were directed to privy Counsellors, to Ministers of State, who stood upon a Level with the Secrecies themselves, and then you cannot but stand amazed at the proceedings, at the Ingenuity, I was almost ready to say Insolence offer'd; and much more that it was not resent'd in the highest manner. Forgive me if I say they deserved to be so used who could bear it so calmly. You see I cannot yet write of this matter without being somewhat transported, but I confess at the same time I was in a Rage upon the account of my Lord *B.* not at all with relation to the Business of *Kidd*. I knew there was nothing in that which would not bear the light; I knew the more it appear'd the better it must be for every one concern'd; for it was Artificially hid from a thorough Examination. But I was fully acquainted with the E. of *Belmont's* character, I knew he had no reserve in his way of Writing to his Friends, and there were Letters to most of those he reckon'd his Friends in *England*. I was sure he look'd upon one of those who expos'd his Letters as his old sure and intimate Friend, to whom he might open his heart, as to every thing; and the time was very critical, and every advantage would be certainly taken. I knew he was sensible of the Usage he had met with where he was, and of the countenance to that Usage given elsewhere, and the Ground upon which it was given. I knew he thought the business of *England* was not faithfully done by some who concern'd themselves in the matters of the Plantations. I fear'd what he might say in confidence to persons as particular Friends, or might think himself bound in duty to say to others in Publick Assemblies, calling things and Men by their true Names, might be improper to be expos'd, and perniciously to his Prejudice. But thus he, and all to whom he wrote, were us'd. And the Letters were reserv'd to be yet more publickly expos'd in the House of Commons at their next meeting. But after all it prov'd for his Justification and for his Honour that this was done, allowing for some Frank and Unwary Expressions, (which every Candid Man would Judge Favorably of in Letters between Friends) there was nothing found in all the Papers but what became a good Subject, a good Governor, and an honest Gentleman. The *B.* thought fit to require the Judge of the Admiralty to attend at the Examination of *Kidd* and his Crew, which was upon the 14th of *April*, and indeed he had the proper Jurisdiction of Examining in the Case of Piracy. But when such Questions as were thought proper in respect to the Piracy had been ask'd of *Kidd* and the other Prisoners (if the Current Report at that time was true) the Judge was ordered to retire, because the *B.* were proceeding to Examine, as to the matters of State. They certainly then ceased to be doing the proper business of an Admiralty *B.* By what Commission they Acted they best knew, but they proceeded to Examine *Kidd* farther as they thought, and then Seal'd up the Examinations to be preserv'd secret for the House of Commons. I am not skilful enough to determine whether this was a Method agreeable to Law, but if so, the Law does certainly put Men under all the hardships imaginable. The Examinations were taken in the absence of the persons concern'd. Taken by no sworn Officers. Seal'd up to be kept private, not for a short time, but indefinitely, till the meeting of a Parliament. All this time the Parties concern'd are in the dark, they know not what Lyes a profligate Villain in such circumstances may have told. He might die or escape before the next Parliament, and the Parties might in the interval loose all the proper Opportunities of Justifying themselves.

themselves, and clearing their innocence, and the foulest and the falsest thing said might have serv'd for matters of Reflections; which was all that Men, who did more then begin to despair of Evidence, could hope for.

When this was over, *Kidd* was sent to *Newgate*, and was ordered to be kept a close Prisoner; whether that Order was observ'd to one sort of Men, only, I can affirm nothing of my own knowledge. And therefore I will not rely on Reports so far as to name who were said to be admitted to discourse with him.

Thus things rested for near a Year, when matters being ripened for a new Storm not so much directed against our Friend as against other persons whom I need not Name: A certain Gentleman (well known for every Quality which must disgrace that Name) began to renew his noise, and to repeat his Phrase of the Corporation of Pirates; and to talk of a Legacy left by the late House of Commons. And thereupon about the beginning of *March*, 1700. the Com---rs of the Adm--- were ordered to produce *all the Examinations, Instructions, and also all other Papers transmitted from the E. of Bellomont relating to Captain Kidd*, which was immediately comply'd with; and in company with these, all the Letters were produced and after all possible methods taken, proper to make this matter thoroughly understood and discover the bottom of every thing, and strike a Terror into some and beget a suspicion in others by multiplying of Orders, by giving a general leave to Inspect the Papers, by ordering all that related to *Kidd* to be Collected out of them, and the Papers themselves to be sorted and distinguished; by examining *Kidd* severall times in person, and Confronting him, with his private Examinations taken as is mention'd before; by reading as many of his Letters and of the *E. of Bellomont's* as were most likely to answer the Purpose. By examining *Sir Edmund Harrisson*, by Reading the Sailing Orders, the Original Articles between the *E. of Bellomont* and *Levingston* and *Kidd*, the Letters of Marque to *Kidd* from the Board of Admiralty, his Commission under the Great Seal of *England*, the Grant under the Great Seal to the *E. of Bellomont* and others, as also the Indentures of Covenants between his Majesty and the Grantees; on *Friday* the 28 of *March*, 1700 after a very long Debate upon the Question that a grant pass'd under the Great Seal of *England* to *Richard E. of Bellomont*, and others, of *all the Goods Merchandize Treasure, and other Things therein granted, which should be taken by Kidd from the Toe, John Ireland, and others, in the said grant mentioned as Pirates before their Convictions, is Illegal and void.* It pass'd in the Negative.

I am sure this general Account will not satisfy, and that you expect I should be more particular, as to any matters which appear'd upon this Second severe Scrutiny, or any Arguments which are used in the debate now, beyond what was urged the last Year. To shew you therefore how willing I am to gratify you in every thing, I will begin with telling you, that which pleas'd me the most; That after every Paper look'd into, and *Kidd* himself examin'd over and over, nothing incorrect, nothing dishonourable, nothing which in the Opinion of any reasonable Man did in the least reflect upon our Friend the Earl of *Bellomont*, or any Body else except *Kidd*, appear'd. That was what I was chiefly concern'd for. It would have gone deep with me if the Earl of *Bellomont* had Engaged himself, or drawn his Friends into any dishonourable thing. I was much less in pain as to the strict matter of Law, if all the deep dyed Lawyers of the late Reigns, who were Engag'd hear

ily in the Cause, could with their Chicanery have found out some little Slip in Mr S. G. drawing of an Instrument, when it was demonstrable nothing was intended, but the Suppressing of Piracy, and a complying with what His Majesty thought for the good of his Subjects, I should have been but little Concern'd. But even that totally fail'd.

It appear'd by *Kidd's Examination* before the Admi---ty and afterwards in the *H.* that he had never seen the *D. of Shrewsbury* or the *Lord Sommers*, nor had heard more of them than that the *Earl of Bellomont* said they were two of his Owners. That the same *Earl* had introduced him to the *Earl of Orford*, and that *Colonel Hewitson* had carried him to the *Earl of Romney*; which was all he knew of them.

That the *Earl of Bellomont* and *Sir Edmund Harrison* were the Persons who managed the business. That he had no manner of Instructions from the Owners, or any of them, publick or private, except Sailing Orders from the *Earl of Bellomont*, whereby he was directed to pursue his Commission; which Orders appear'd.

That the Articles between him and the *Earl of Bellomont* were also before the House.

In his Examination before the Adm---ty he was ask'd in plain words, *If he could say any thing in relation to the Earl of Bellomont, Lord Romney, D. of Shrewsbury, Lord Chancellor, or Lord Orford by name, or any other of the Owners in relation to the Expedition, or any other matter, touching any private Directions, Articles or Instructions given to him by word of mouth or otherwise; and being bid to recollect himself well, he said, He had nothing more to say in relation to the Owners or any of them, than what he had before declar'd.* And at all his subsequent Examinations he affirm'd the same thing.

Upon perusal of the Examinations of his Crew as well in *New-England* as after their being brought hither, there appear'd not one word which might give the least Countenance to any of those unjust Suspicions which had been propagated against the Lords or other Owners. On the contrary, it was plain by the Depositions of *Bradenham* and others, that *Kidd* own'd he had departed from all that was directed or agreed in *England*, and set up new Articles, and took new Men on Board, on new Terms.

All the Surmises about another Commission, which had not appear'd before, were found to be Groundless. And the things suggested about the Articles between the *Earl of Bellomont*, *Levingston* and *Kidd*, proved to be without the least Foundation, they being only of the Nature of Common Articles between Privateers, and those who set them out.

In all the *E. of Bellomont's* Letters there was not a single Expression which Malice could distort to give Countenance to any of the spiteful Insinuations scattered abroad, as if *Kidd* had been encouraged to do any thing not strictly conformable to his Commission. And there could not be a greater Evidence of the *E. of Bellomont's* Integrity, than that in every Letter where he says any thing in relation to *Kidd* it is intermix'd with other publick or private matters, which demonstrated, they intend'd nothing of that Business to be made a Mystery.

His Letter shew'd the great Concern he had to Seize Kidd, and the other Pirates which Were many in Number, securing them in Goal, and sending them safely to England. His nice Caution in not touching any of their Effects, and Confining them to the Secretary of State. His Care in Collecting and Transmitting all the Evidence he could get against Kidd, and the other Pirates, and sending over Witnesses. His plain delivering his opinion, that Kidd was guilty of Piracy, notwithstanding his pretences, and that Consequently he and the rest of the Owners could have no Title by their Grant to the Goods he had brought with him; unless in Consideration of their good intention and great Charges, the King should think fit to make some new grant for their benefit.

All these things shew'd the greatest Innocence and Candour which could be Express'd, and prov'd, beyond Contradiction, that there never was a Clamnor more maliciously promoted, or worse founded.

Upon this Occasion I cannot Omit telling you a passage, for the Justification of the Lords Concern'd in this business, which is above exception, and which I assure is true. After the rising of the last Parliament, His Majesty being pleas'd to Honour a Noble Lord with Dining at His House; while they were at the Table, Discourse arose concerning Kidd, and the trouble occasion'd by that business to the Persons concern'd in the Grant. His Majesty was pleas'd Graciously to say, that by the Law of England He could be a Witness, he could of his own Knowledge Justify the Lords concern'd in all they had done in that affair.

After this Relation, of the Truth of which there are many Witnesses, I will pretend to add nothing as a further Vindication of the Integrity and upright intentions of the Persons engaged in setting out the *Adventure Galley*.

The only thing which remains for me to do, is to give you an account of what was said upon the Point, which was brought in Debate a second time, touching the validity of the King's Grant. You observe the Question was conceiv'd in different terms from what it was the last Year, and I beg you to observe how Candidly and Fairly it was put, which you will do very easily, if you will only observe the Words of the Grant, which you have in my former Letter, and the Words of the Question, and see how like they are to one another. That is a Remark I leave you to make for your self.

The only Objection insisted on was, that the E. of Bellomont's Grant was condemn'd, by that Clause in the Bill of Rights, which says, that *all Grants and Privileges of Fines and Forfeitures of particular Persons before Conviction, are illegal and void*.

It was said, tho this Question had been under the consideration of the last House of Commons, that yet their opinion did not conclude another House. It was said that the Inconvenience rather than the Illegality of the Grant was then the Subject of the Debate, and that the question of Law was not thoroughly discuss'd. It was admitted that a Grant of *Bona felonum* and *Bona Piratarum* of Inheritance, as a Franchise to go along with a Mannor, or within a certain District as an Incorporated Inheritance, might be good, but that the Grant of particular Felons, or particular Pirates Goods, before Conviction, was Void, and this was the same whether the Persons were nam'd or not. As a grant of the goods of all Felons which should be convicted at the next Sessions at the *Old Bailey*, would be as much contrary to the

Clause of the Act, as the grant of the Goods of all the Persons then in *Newgate* for Felony by express name. That the same Inconveniences lay in case of the grant of the Goods of Pirates before Conviction, as in the case of the Grant of the Goods of Felons. That Since the Statute of 28 H. 8. c. 15. which gives a Common Law Tryal of Pirates, that is by Juries, and makes them forfeit as in case of Felony, they are to be considered no otherwise than as Felons.

This was the substance of the Objections, as far as I could inform my self. I had not the same opportunity of hearing this debate as I had the former, but I did use my utmost Endeavour to be inform'd of what pass'd from Enemies as well as Friends to the Grant. I do not pretend to tell you the Invectives, the Reflections, the Surmises and other artificial Insinuations, which are proper to mislead in Assemblies; but all that was Argumentive, fell under these heads I have mention'd.

I will give you the best account I could learn of the Answers to these objections. I wish I could have heard Mr. S. G. Who, I am told, out did himself in vindication of a Grant, which as he prepar'd with good intention, so he did admirably well maintain it to be drawn with great Judgment. I cannot pretend to particularize what was said by him, and what by other learned Persons. In General it was said in Defence of the Grant.

1. The Clause in the Bill of Rights did manifestly relate to such Forfeitures only as were made by the conviction, not only the words of the Clause shew'd it, but it appear'd by the Reason given in the Law Books, why Grants of Forfeitures before conviction are not warranted by Law, *viz.* because by the Common Law the Forfeiture it self did not accrue till the Conviction; and therefore before that time the King had no Title in him to Grant. On the Contrary, the Property, notwithstanding the Treason or Felony committed, did so continue in the Party, that he had not only a right to use his Goods and live upon them, but to dispose of them absolutely, so as to make a good Title to a Purchaser, because the Forfeiture as to his goods, had relation only to the time of his Conviction, and not to the time of the Fact Committed.

But this Reason did not extend to the Case of the Grant of Pirates Goods, because by the very Act of Piracy the Forfeiture of the Goods accrued. So that tho' the Pirate should be slain in Fight, or should Escape so as never to be brought to Tryal, yet his goods were forfeited by the Fact, and therefore grantable immediately. There may be a litigation *in rem*, before there is *in Personam*, as appears by the daily Practice of the Admiralty. Whereas in Felony the Goods Follow the Fact of the Person, who must be convicted before his goods can be so much as seized.

2. It was said that the several Heads in the Bill of Rights relate only to securing the rightful Constitution of the English Government, and the due Administration of the Common Laws within the Kingdom, and so does this head as well as the rest. This Article takes care of Persons who are amenable to Justice, and their Estates within the reach of the Common Law. In such Cases 'tis reasonable, till the forfeiture accru'd, nothing should be granted. But it cannot be suppos'd, to have regard to Forfeitures arising by Offences committed out of the Kingdom, where the Persons are not within the Reach of the Process of the Common Law, and if they were they are not triable nor punishable by it. The offence

fence of Piracy and all the Consequences of it are only of the Consuance of the Civil Law. The Statute of the 28 of H. 8. C. 15. gives a Tryal by a Jury in that Case, and does extend the Forfeiture, (if the Tryal be according to the Statute), beyond what it was before, for it makes the Pirates Land forfeited, as in Case of Felony. But nevertheless it does not alter the Nature of the Offence nor make it Felony. A pardon of Felonies is no pardon of Piracy. The Statute does not Corrupt the Blood. It does not take away the old manner of proceeding according to the Civil Law, tho' for the more easie Conviction of Pirates. It adds another method of Tryal, because (as the Statute it self expresses it) *According to the Course of the Civil Law it was difficult to Convict Pirates in regard that either two positive Witnesses, or the Confession of the Party was necessary.* And at this day an Accessary in case of Piracy can be Tried no otherwise than as before the Statute, by the Course of the Civil Law.

3. If the E. of Bellomont, and the other Persons concern'd in the fitting out the *Adventure Galley* had sent her out without any Commission, and she had taken the Pirates, the Goods had been their own by the Law of Nations. And it had a strange Appearance to say, It was against Law for the King to grant the Pirates Goods to them upon Condition. They were apprehended by their means, when by the very taking without any condition, they would by the Law of Nations have acquired a property in the Goods.

4. The Case of Pirates is the Case of Persons in open Hostility, who must be seized by force where they can be found, and their Goods and Persons secured at one and the same time, otherwise there can be no suppressing them. And therefore as they must be subdued like Enemies, the Law considers them as such, with this difference, that Pirates are Enemies to all Princes, to all Mankind, whereas others become Enemies by accident only and continue such but while the War lasts. And upon this Ground it is that all Pirates, be they of what Nation soever, where soever they commit their Piracies, or where soever they are taken, yet they are Subject to the Jurisdiction of the Prince by whose Commission they are taken, and may be try'd and punished in his Courts, tho' never so remote. It is not necessary they should be English, or rob in the English Seas, to Subject them to the Justice of the Admiralty of *England*. The Truth is, there is but one of the fore-named in the Commission who was an English-Man.

And therefore as it is practis'd and allow'd among all Princes to Grant Commissions to Privateers in time of War, impowering them to fight with and take Enemies, and their Ships and Goods, and to retain the same to their own use, for such part of them only as the Prince thinks fit to allow, (the Terms being often varied according to the Circumstances of the War, and the necessity sometimes of giving great Encouragement), and the Legality of giving such Commissions, and granting such advantages, has been always thought agreeable to the Law of Nations.

In the same manner and upon the same reason of Law such Commissions and Grants in the Case of Pirates do proceed, and there is nothing of Injustice or Inconvenience can be suppos'd in this latter Case, which may not with the same force be objected in the former.

Both are granted in the time of War for as to Pirates the War is perpetual. The Ships with their Cargo's in both Cases, and for the same reason of necessity, must be seized before adjudication, because otherwise it were impossible to bring them to judgment. And therefore as in the one Case there is a possibility that Friends and Allies may have some Trouble, so in the other Case by accident honest Merchants may have also, for their Goods may be Aboard the Ships of Enemies, or of Pirates, and they may be put to the Charge of making out their Propriety, and perhaps contesting with great Persons (for in Queen *Elizabeth's* Reign, as Great Men and as great Patriots as any in the Kingdom, thought they did good Service in making out Commissions of Privateers for many years together) yet necessity and the nature of the thing Justifies the proceeding in both Cases: and the advantage which accrues to the publick transcends any private Inconvenience. And therefore the same Law of Nations which warrants such Commissions and Grants of the Goods of Enemies in time of War does Warrant the like in the Case of Pirates at all times. It is a Sufficient Answer to any of the Difficulties that after the Capture, there is a proper Court necessary to be apply'd to, without which in neither of these Cases the party who has the Commission can have a legal Title to any thing. There must be an Adjudication in the Admiralty, that the Ship and the Cargo, or any part of it did belong to an Ally in the one Case, or to an honest Merchant, in the other, and the Court does them the like Justice.

5. A farther Argument to shew that pirates are considered after another manner, than persons charg'd with Crimes committed within the Realm, and consequently Subject to the Common-Law, and within the reach of it, was drawn from the Proclamations frequently published against pirates; Those Proclamations being liable to the same Objections as were made to the E. of *Bellomont's* Grant. Particularly the Proclamation published while this very matter was depending, bearing Date the 6th of *March*, 1700. *Wherein the King promises, that if any person belonging to the Ships Company of any pirate, shall Seize the person commanding the Ship, together with the Ship and Goods, and deliver them to any Magistrate, and give Evidence so as such pirate may be Convicted, he shall receive, as a reward, the Moyety of the Kings share of the Vessel and Goods.* This is the same case: If the King may grant a Moyety of what belongs to him, he may Grant nine parts in ten of what belongs to him, which is all the E. of *Bellomont's* Grant does. No doubt the Learned Gentleman who drew this Proclamation, and the Honourable person who put the Seal to it, knew what they did was agreeable to Law, and therefore in effect they have given their Opinions that this so much disputed Grant was so. Yet if such a Proclamation were Issued with Respect to Robbers on the High-way, it would not be Justifiable in point of Law. For the Law supposes Robbers, who are within the reach of the Magistrates and Civil Officers to be amenable to Justice by Ordinary means, so that the Case of Pirates, is not in any sort esteemed to be within the Ordinary Rules, nor to be comprehended within the meaning of the Clause in the Bill of Rights.

The Grant to the E. of *Bellomont* did not give the Goods of the Persons nam'd in it, or of any other pirates, absolutely, but under two restraints or qualifications. First it was strictly Circumscribed to such things as the King could Grant by Law, to things belonging to him and Grantable by him, (but having taken notice

notice of this in my former Letter, I will not repeat it again.) Secondly it did not give the Goods of any Pirates but upon Condition of their being taken by the *Adventure Galley*, in order to be brought to Justice, which is the very same Condition in effect that was inserted in the Proclamation. If the Pirates named in the Letters Patents, or any other, Surrender themselves to Justice, if they are never taken, or are taken in any other manner than by the *Adventure Galley*, the E. of *Bellomont*, and his partners, have no pretence of Title to any of the Goods. Their Title is to arise from their Seizing of them, while actually standing on in their piratical Courses. The Encouragement is only adequate to the Service. If you take these Enemies of Mankind you shall have what you take with them so far as it may by Law be granted, If you take no pirates, you are to expect no benefit by the Expedition.

I will just mention two things more which were observ'd, one as to the supposed Hardship in naming Four persons particularly, that if none had been named in the Commission, it would have been certainly objected, that there had been no real occasion for the Commission, otherwise the persons would have been Named. The other was, that some of those who so Violently objected to this Grant, had Solicited, and others had, without difficulty, pass'd the Grant to Sir *Robert Holms* in King *James's* Reign, wherein not only all pirates Goods, but even *Bona Depradata* were Granted in expresse Terms, without any qualifying Clause whatsoever,

I have now performed the second part of my promise, in giving you an account of the Debate which produc'd the Resolution before set down, on the 28th of *March*. The next day, being *Saturday*, an Application was made that *Kidd* might be proceeded against according to Law. This was a natural and Reasonable Course, but there was another effect some Men might hope for from it than appear'd at first view. *Kidd* was a Fellow, whose Actions did not only shew that Death must needs be terrible unto him; but that he was not like to strike at any thing, upon the account of Conscience, to avoid it; and therefore probably would set himself to Work as soon as he saw his certain Danger. This is not a meer Conjecture, but it is proved by Sir *E-----S-----* so greedily laying hold of that Information which he made to the H----- on the *Monday* Following, *Viz.* That he had a letter from *Kidd*, wherein he desired to be brought up, having something to say to the H----- in the manner of opening it, and the warmth with which he was seconded by a well spoken Gentleman, whose Tongue, the E. of *Bellomont* says in one of His Letters, is as foul and corrupt as his Breath, rais'd every ones Expectation, and you may be sure *Kidd* was sent for immediately. But being come, and heard the poor Creature had nothing to say which in any sort answered the Expectations of those who gave the information, or were so forward to send for him, and thereupon he was Remanded. Sir *E-----S-----* had such an Indignation at His Disappointment, that he declar'd the Fellow was a Fool as well as a Rogue: and that he would never Credit what he should say hereafter. To Speak the truth it was no fault of that Gentlemans that *Kidd* said no more to the purpose. He watch'd his bringing up, and presently got to him alone, in the room where he was kept. Their Conversation, through Gods mercy, was quickly interrupted.

Two worthy Members who heard that Sir E---S--- was alone with Kidd, had so much sense of his behaviour throughout that whole matter, and so just an abhorrence of such a practise, that they rush'd immediately into the Room, and put an end to the privacy. But if there be a curiosity of knowing what pass'd in that little time it lasted, The Mistress of the Tavern at *Charing-cross*, where Kidd stay'd a little while, as he was carried back to *Newgate* that Morning, and the Keeper who there took care of him, and drunk with him, are both alive, and can tell that Kidd very naturally related of that short conference soon after it was over. I think I ought to tell you how Sir E---S--- came to make this mistake in promising Kidd to be sent for thus fruitlessly that you may the better see his Zeal to make somewhat more than he could find. For tho' he told the H--- he had a letter from Kidd, that was but a mending of the story to give the more Expectation of what was to come, and therefore you will observe care was taken by his most Friend to omit any mention of a Letter in the printed V--- The fact was thus. When Kidd was brought up the first time he became indebted to one *Kissdale*, a coffeeman near the House of Commons, in seven or eight shillings. The coffeeman and his Son went to him to *Newgate* on the Sunday to Demand the debt, and drinking together, *Kissdale* said to Kidd he was a Fool to be hang'd for a Body, and that he might certainly save his Life, if he could lay any thing against the Lord *Or---* and the Lord *Som---* Kidd reply'd he would hang for no body, and that he was resolv'd to speak all he knew. *Kissdale*, and his Son, went immediately with this story to Sir E---S---, and upon that he founded the Information gave the H---, Whether the Coffee-man acted by Order, in talking so to Kidd, whether he only guess'd where he should be welcome with his story, I know not. It was very happy for the E. of *Bellmont* and his Friends, that no Tryal was made of E---S---'s firmness to his declared Resolution of never believing any thing that Kidd should say, after his last bringing up. He little knew himself in that point, was so unwilling to let this matter end without more prejudices and reflection on those whose ruin he wish'd, that ten days after, he and his before-mentioned good natur'd Friend re-engaged in bringing another, yet more impertinent story before the H---. He inform'd them that Kidd, since his being in *Newgate*, had been at some other place besides the H---C---s. This occasion'd a new Examination of all the Keepers of *Newgate*. But there followed a Disappointment, it proving to be as ridiculous as well as a false Tale, and ended only in the Confusion of those whose Malice and Desire to Oppress Innocence could offend. The story is as follows. One *Symmonds* who had been formerly an Officer in a Marine Regiment, and lives now as he can, told Sir E---S---, and Mr. J---H---, that *Stockdale* told him, that the first time Kidd was brought up to the H---, as he was going back to *Newgate*, he was carried to the L. H---'s House in *Westminster*, where this Fellow saw him, together with that Lord, and the Lord S---rs. If you would know the Quality of this *Stockdale*, he is a poor Fellow that waits at an Alehouse at *Charing-cross*, to be sent on Errands, but was Brother to a Maid-Servant in that Noble Lord's family, by pretence of which he used very often to get Victuals there, and so knew the way into the House. Upon the Examination of these two Fellows, it appear'd it was not probable the story should be true, because all that day hundreds of People followed Kidd wherever he went; so that this Interview must have been a very publick one. If the Gentleman who thought fit to give this Information to the H---, had not been blinded with avarice, they must have discern'd the Folly of it. Was it probable that one of those Lords, who was only Unconcern'd in the Business of Kidd, should so unnecessarily desire his Company?

pany at his House on such a remarkable day? Or was it possible to believe that the other those Lords, who certainly thought himself not a little fortunate that *Kidd* upon all Examinations, had declar'd he had never seen him, would begin an acquaintance with at that time? I have told you, that this third Inquiry Vanish'd in Smoke. And I forbear observing to you, that it ended without any Censure or Indignation express'd against those who continued to act a part so shamelessly Malicious. The Truth is, it was such a poorness of Spirit among one sort of Men, such an awe of a Party, that they had not Courage to express the least Resentment, To ask a Question, or take step towards Detecting as unworthy and corrupt practices as perhaps were even better of.

I will observe to you also, that the Lords who were Partners with the E. of *Bellmont* in setting out the *Adventure Galley*, sat still through out the whole Enquiry; and were so entirely passive, you would have thought they had not been concern'd in the Consequence. I am from blaming their Conduct. There is a noble assurance which is a Companion and the best Witness of Innocence. They saw the Practices which were set on Foot every where, and that no Arts of Subversion would be wanting. They look'd upon it as a great Mercy from God that *Kidd* had tyed himself down by declaring, upon so many several Examinations, that he had never any Conversation with them. They might reasonably apprehend, that the most cautious Endeavour to detect the indirect doings of their Persecutors might by Malice or Villany be turn'd to their Disadvantage, and give Countenance for Calumnies to those who had then nothing solid to say. This might seem wise and reasonable in them. I cannot put so favourable a Construction on the reservedness and backwardness of their Friends.

I must also acquaint you, that Sir *Chas. H.* who behav'd himself so honestly the last year, shew'd an instance of humane Frailty, by a shameful Silence, so much the Secretary got the better of Justice.

To conclude, I will not say as I did last year, that there is an end of *Kidd's* Business, but I will say if ever Men have had an Inquisition upon them, If ever any Business has been sifted to the Bottom, it has been in this Case. And let you and me rejoyce, that the Integrity, Virtue and Honour of our Friend the E. of *Bellmont*, remains Entire Bright, after all these fiery Trials.

I am, &c.

BRITISH MUSEUM
26 APR 21
FINIS.